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Director's Office
Office of Patent Publication

In re Application of :
James W. Forbes :
Application No. 09/804,406 : **DECISION ON PETITION**
Filed: March 12, 2001 :
Attorney Docket No. 5699-32 :

This is a decision on the Petition for Withdrawal of Notice of Abandonment received via facsimile transmission on February 19, 2003, which is being treated as a Petition to Withdraw the Holding of Abandonment under 37 C.F.R. § 1.181(a), for the above-identified application.

The petition is **Granted**.

The petitioner has provided supporting evidence that the RCE was timely submitted via Certificate of Mailing on December 24, 2002 and is in compliance with 37 CFR 1.8(b) in that (1) the Patent and Trademark Office (PTO) was promptly informed of the previous timely mailing, (2) a copy of the previously mailed RCE, with Certificate of Mailing thereon has been submitted, and (3) affidavits which attest to the previous timely mailing have been submitted.

In view of the above, the holding of abandonment for failure to timely pay the issue fee is hereby withdrawn. Accordingly, the RCE will be accepted as having been timely mailed via Certificate of Mailing on December 24, 2002.

Application No. 09/804,406 will be forwarded to the Examiner of Record to act on the RCE.

Telephone inquiries relating to this matter may be directed to the undersigned in the Office of Patent Publication at 703-305-5340.

Frederick E. Briscoe

Frederick E. Briscoe
Legal Instruments Examiner
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